UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOEL BOSH, AND BOSCHMUSIC INC., d/b/a BOSCH MUSIC, Plaintiffs, -against- EMI MUSIC U.S. LATIN; JOSEPH HERNANDEZ, individually, and d/b/a MELAZA MUSIC PUBLISHING, Defendants.	05 CV 7723 **DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT**

Defendants EMI Latin ("EMI"), incorrectly named herein as EMI Music U.S. Latin, and Joseph Hernandez, individually, and d/b/a Melaza Music Publishing ("Hernandez"), by their attorneys, Reed Smith LLP, for their answer to the complaint, allege as follows:

1. Defendants deny the allegations contained in paragraph 1 of the Complaint.

2. Defendants deny the allegations contained in paragraph 2 of the Complaint.

3. Defendants deny the allegations contained in paragraph 3 of the Complaint.

4. Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint.

5. Defendants admit the allegations contained in paragraph 5 of the Complaint.

6. Defendants admit the allegations contained in paragraph 6 of the Complaint.

7. Defendants deny the allegations contained in paragraph 7 of the Complaint except admit that EMI is a division of Capitol Records, Inc., which is a Delaware corporation.

8. Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Complaint.

9. Defendants deny having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint.

10. Defendants deny having knowledge or information sufficient to form a belief as to the allegations contained in paragraph 10 of the Complaint.

11. Defendants deny having knowledge or information sufficient to form a belief as to the allegations contained in paragraph 11 of the Complaint.

12. Defendants deny having knowledge or information sufficient to form a belief as to the allegations contained in paragraph 12 of the Complaint.

13. Defendants deny having knowledge or information sufficient to form a belief as to the allegations contained in paragraph 13 of the Complaint.

14. Defendants admit the allegations contained in paragraph 14 of the Complaint.

15. Defendants admit the allegations contained in paragraph 15 of the Complaint except deny that EMI is engaged in manufacturing of phono-records.

16. Defendants deny the allegations contained in paragraph 16 of the Complaint except admit that defendants entered into an agreement in February 2005 (the "Agreement") and respectfully refer the Court to the Agreement for the terms contained therein.

17. Defendants deny the allegations contained in paragraph 17 of the Complaint.

18. Defendants deny the allegations contained in paragraph 18 of the Complaint.

19. Defendants deny the allegations contained in paragraph 19 of the Complaint.

20. Defendants deny the allegations contained in paragraph 20 of the Complaint.

21. Defendants deny the allegations contained in paragraph 21 of the Complaint.

22. Defendants deny the allegations contained in paragraph 22 of the Complaint except admit that defendants have not sought or received any license from plaintiff with respect to the album at issue.

23. Defendants deny the allegations contained in paragraph 23 of the Complaint except admit that defendants received a letter from plaintiffs and respectfully refer the Court to the letter for the terms contained therein.

24. Defendants deny the allegations contained in paragraph 24 of the Complaint except admit that the album at issue remains on the market.

25. Defendants deny the allegations contained in paragraph 25 of the Complaint.

26. Defendants deny the allegations contained in paragraph 26 of the Complaint.

27. Defendants deny the allegations contained in paragraph 27 of the Complaint.

28. In response to paragraph 28 of the Complaint, defendants repeat each and every allegation contained in paragraphs 1 through 27 of the answer.

29. Defendants deny the allegations contained in paragraph 28 of the Complaint.

30. Defendants deny the allegations contained in paragraph 30 of the Complaint.

31. Defendants deny the allegations contained in paragraph 31 of the Complaint.

32. Defendants deny the allegations contained in paragraph 32 of the Complaint.

33. Defendants deny the allegations contained in paragraph 33 of the Complaint.

34. In response to paragraph 34 of the Complaint, defendants repeat each and every allegation contained in paragraphs 1 through 33 of this answer.

35. Defendants deny the allegations contained in paragraph 35 of the Complaint.

36. Defendants deny the allegations contained in paragraph 36 of the Complaint.

37. Defendants deny the allegations contained in paragraph 37 of the Complaint.

38. Defendants deny the allegations contained in paragraph 38 of the Complaint.

39. In response to paragraph 38 of the Complaint, defendants repeat each and every allegation contained in paragraphs 1 through 38.

40. Defendants deny the allegations contained in paragraph 40 of the Complaint.

41. In response to paragraph 41 of the Complaint, defendants repeat each and every allegation contained in paragraphs 1 though 40.

42. Defendants deny the allegations contained in paragraph 42 of the Complaint.

43. In response to paragraph 43 of the Complaint, defendants repeat each and every allegation contained in paragraphs 1 through 42.

44. Defendants deny the allegations contained in paragraph 44 of the Complaint.

45. Defendants assert no response to the jury demand.

FIRST AFFIRMATIVE DEFENSE

46. The words and music to which plaintiffs claim copyright protection in this action are in the public domain and are not copyrightable.

SECOND AFFIRMATIVE DEFENSE

47. The words and music to which plaintiffs claim copyright protection in this action are not original.

WHEREFORE, defendants demand judgment dismissing the Complaint and awarding defendants their costs, including reasonable attorney's fees, and disbursements incurred in this action, together with such other and further relief as this Court deems just and proper.

Dated: New York, New York
October 31, 2005

REED SMITH LLP

By: [signature]
Peter D. Raymond (PR 3029)
599 Lexington Avenue
New York, New York 10022
(212) 549-0364

Attorneys for Defendants EMI Music U.S. Latin; Joseph Hernandez, individually, and d/b/a Melaza Music Publishing

TO: Roger Juan Maldonado
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Calle Tetuan #206
San Juan, Puerto Rico 00901-1815

Attorneys for Plaintiffs

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Dawn Charles, being duly sworn, deposes and says:

1. I am not a party to the action, and I am over 18 years of age and reside at East Orange, New Jersey 07018.

2. On October 31, 2005, I caused to be served a true copy of **Defendants' Answer to Plaintiff's Complaint** by facsimile and regular mail by enclosing same in a post-paid wrapper, in an office depository under the exclusive care and custody of the United States Postal Service within New York State addressed to the following person at the last known address set forth below:

Roger Juan Maldonado
Balber, Pickard Battistoni Maldonado & Van Der Tuin, PC
1370 Avenue of the Americas
New York, New York 10019
(212) 246-2400
Attorneys for Plaintiffs

and by regular mail by enclosing same in a post-paid wrapper, in an office depository under the exclusive care and custody of the United States Postal Service within New York State addressed to the following person at the last known address set forth below:

Juan H. Saavedra Castro
Edificio Banco popular de P.R., Ste. 701
Calle Tetuan #206
San Juan, Puerto Rico 00901-1815
Attorneys for Plaintiffs

Dawn Charles

Sworn to before me this
31st day of October, 2005

Notary Public

EVELYN GREEN
Notary Public, State of New York
No. 01GR487967
Qualified in New York County
Commission Expires Dec. 15, 2006